

**TOPLINE:** The history of the project may seem complicated, but the facts are simple: The City Council is being asked to destroy a historic landmark that is protected by a Virginia government easement. **If the City Council were to approve this project, the impact would be long-term and extensive damage to historic preservation in Alexandria and throughout Virginia.**

**The Justice Black property, constructed circa 1800, is a Certified Historic Landmark.**

- The **Virginia Historic Landmarks Commission** certified the Black house and gardens as a “principal historic site — of state-wide and national significance,” largely because, for more than three decades, it was the home of renowned U.S. Supreme Court Justice Hugo L. Black, as well as an extraordinary surviving example of Federal architecture and an almost unique combination of an historic building in an exemplary setting of magnificent grounds.
- The **National Park Service’s Historic American Buildings Survey** celebrates the house as an “outstanding example of the Federal ‘row’-type buildings in Alexandria” that **“has fortunately been spared the fate of suffocation. By precept and example it stands flush with the street, but with its extensive grounds and breathing space preserved to this day.”**
- Upon the 50<sup>th</sup> anniversary of Justice Black’s death, September 25, 2021, the **property would become eligible for designation as a National Historic Landmark**, the highest preservation listing, **but not if its historic integrity were lost by approval of the proposed additions and demolitions..**

**Justice Black is regarded as one of the most influential Supreme Court justices in history**, along with such figures as John Marshall, Oliver Wendell Holmes, Louis Brandeis and William Brennan.

- Justice Black believed that the First Amendment is the cornerstone of liberty, and Freedom of Speech is the core of the First Amendment.
- In 1964, after 10 years of foot-dragging by the exponents of segregation, Justice Black wrote an opinion that finally put an end to the denial of African American school children’s right to an equal education in Virginia and the nation: “The time for mere ‘deliberate speed’ has run out, and that phrase can no longer justify denying these Prince Edward County school children their constitutional rights to an education equal to that afforded by the public schools in other parts of Virginia.”
- In “A Tribute to Hugo L. Black, 85 Harv. L. Rev. 1(1971), then U.S. Supreme Court Justice Earl Warren stated: “...the monumental contribution this resident of Alexandria made to the history of our country, and his championship of civil rights is unquestionable.”

**Justice Black, himself, played an important role in the preservation of the home AND open space.**

- Justice Black purchased the property in 1939, two years after President Franklin D. Roosevelt appointed him to the U.S. Supreme Court, and lived there until his death in 1971;
- Justice Black and Mrs. Elizabeth Black EXECUTED AN EASEMENT ON THE PROPERTY TO PRESERVE IN PERPETUITY THE OPEN SPACE, INCLUDING THE HOUSE AND GROUNDS, under the Virginia Open Space Land Act of 1966;

- Justice Black's was the second such gift ever in the history of Virginia, and the first in Alexandria.
- In 1973, Black's widow and heirs reiterated the easement.

**The Virginia Open Space Land Act of 1966 PROHIBITS the diversion of open space protected by the Act unless five specific conditions are met. NONE OF THOSE FIVE CONDITIONS HAS BEEN SATISFIED** in this case, nor has there been any attempt to do so.

The proposed plan **unnecessarily destroys one of the distinctive and historically significant features of the property, the mid-19th Century two-story curved portion of the "hyphen" connecting the main block to the rear ell. The city staff opposed demolition of this feature in its reports to the BAR.** Any representation that the demolition of this historic feature is necessary to maintain the main block of the house is unsupportable and contrary to the basic historic preservation principle that "changes to a property that have acquired historic significance in their own right will be retained and preserved."

**Besides extensive demolition, the proposal includes massive new construction that would virtually double the footprint of the existing house, thus removing Landmark Open Space in the same amount.**

- The extensive open space side yard extending to the corner of South Lee and Franklin Streets would be filled in with new construction.
- By choosing to locate the additional structures along the length of South Lee Street **the project electively places those additions where they would most conspicuously occupy the "breathing space" that the Historic American Building Survey celebrated as one of the property's most distinctive and important features.**

**The proposal originally included construction of a 26' x 26' multi-car garage.**

- When the applicant was advised that a garage would not be allowed under the city zoning ordinance, the structure was identified instead as a "Workshop/Bike Garage" and then simply a "Bike Workshop." Only the name has been changed to protect the culpable.
- Approval of an unnecessary addition goes against the most basic of preservation principles and should be rejected by the Alexandria City Council.

**The City Council's decision in this case involving a house first built circa 1800 will set precedent regarding the city's commitment to historic preservation and also impact historic preservation throughout Virginia.**

- Historic Old Town draws people from around the nation and the world who make a major contribution to Alexandria's economy. VisitAlexandria, the city's tourism and visitors agency, heralds the city's "**rich history and beautifully preserved 18th- and 19th-century architecture,**" as a foremost reason that visitors will cherish their experience here. **The new City Council has an opportunity to stop the erosion of historic spaces and live up to the city's recognition for that unique and authentic resource.**